

APPENDIX 3

KENDRICK PARK

Historical & Family Context

A Timeline

- 1703** The British colonial inhabitants of the Hadley plantation divide up their eastern 'common land' (the area that would become Amherst) for future settlement. They created two wide (40 rod = 660 feet) north-south "highways"—the current West Street and East Street corridors in which all of Amherst's village center commons, meetinghouses, burying grounds, and other shared early facilities were placed. The entirety of the area comprising the Kendrick Trust "island" between North Pleasant, East Pleasant and Triangle Streets falls within the ancient "West" highway. Inhabitants of this area figure in Amherst's early history.
- 1787** On February 4 in Petersham, about 3,000 members of the Massachusetts militia routed and captured many of the fleeing participants of Shays Rebellion. Militia leader General Benjamin Lincoln, returning to Springfield to secure the defense of the Armory there, stayed overnight in Amherst at a residence at the north end of the current "island".
- 1845** George Smith Kendrick was born August 23, 1845, in Enfield, Massachusetts, a Swift River Valley town later inundated by Quabbin Reservoir. George was the first of five children born to Benjamin F. Kendrick and Harriet A. (Robinson) Kendrick. James Polk was president. Emily Dickinson was fifteen years old. The Kendrick family later moved to Amherst.
- 1857** In October 1857, when George was 12, the first meeting of the Amherst Ornamental Tree Association was held and involved Amherst's leading citizens, educators, and business proprietors. The first article of the Association's constitution states its purpose: "... the object of which shall be the laying out and ornamenting the public common, the general improvement and adornment of the various public walks throughout the village by grading, graveling and lining with trees where there are any deficiencies, and to do anything which may render the public grounds and ways of our village more attractive and beautiful."
- 1861** George S. Kendrick was 16 years old when the first shots of the Civil War were fired at Fort Sumter. During the war, from the age of 17 until 20 (1862-1865), George lived in Springfield and worked at the U.S. Arsenal (Springfield Armory).
- 1862** Jean "Jenny" Kendrick was born, 17 years younger than George, and lived at her parents' home on Northampton Road (property later developed as Kendrick Place). Benjamin Kendrick operated a meat and produce market in Merchants Row (South Pleasant Street) on the Common.
- 1865** At 20, George Kendrick moved back to Amherst for a year. He moved briefly to Boston (1867-69), but returned in 1869 to begin working at the family market.
- 1869** George Kendrick, age 24, married Matilda F. Fowler (age 20) in Amherst. They would have no children.

- 1875** Landscape architect Frederick Law Olmsted, brought to Amherst by Austin Dickinson (Emily Dickinson's brother), prepared a design for improving the Amherst Town Common on behalf of the Amherst Ornamental Tree Association. Olmsted also prepared plans for the Amherst College campus, Wildwood Cemetery, and other Amherst sites. George Kendrick was 30 years old.
- 1877** In April, the Amherst Ornamental Tree Association was reorganized as the Village Improvement Association. Eventually, all of Amherst's village centers would have their own improvement associations.
- 1879** On July 4th, a massive fire destroyed most of Merchants Row along the west side of the Common, including Benjamin Kendrick's meat market. The row and the market were rebuilt.
- 1886** Emily Dickinson died May 15, 1886. George Kendrick was 41 and running the Kendrick Market. He and his wife Matilda lived at the northeast corner of what is now Seeleye and Spring Streets.
- 1889-90** George's father Benjamin F. Kendrick was a Trustee of the Amherst Savings Bank and on its Investments Committee. He was also a member of the Board of Directors of the First National Bank of Amherst.
- 1891** George Kendrick was appointed to the finance committee of the newly-formed Amherst Club, "a social organization, a majority of its membership being made up of young men engaged in business in the village."
- 1894** George's brother, Dudley H. Kendrick, was hired as manager of the Amherst House hotel, a major community gathering place and 'home' to several town business organizations.
- 1898** The Spanish-American War broke out. George Kendrick was 53.
- 1902** The son and daughter of Luke Sweetser deeded a triangle of land between Lessey, Main, and Churchill Streets to Amherst to serve as a public "ornamental park" named for their father. George Kendrick was 57 years old. Jenny Kendrick was 40.
- 1910** Tan Brook redirected underground through a stone tunnel from the east side of East Pleasant Street and down McClellan Street.
- 1913** On February 23, 1913, at a hospital in Altamonte Springs, Florida, Matilda (Fowler) Kendrick died at age 74.
- 1913** Frederick Law Olmsted prepared preliminary designs for an Olmsted Brothers firm plan for landscaping and a fountain for Sweetser Park. The fountain was donated by Amherst business proprietor Enos Foster Cook, a neighbor of the park, trustee of the Amherst Savings Bank (with Benjamin Kendrick), former owner of the Amherst House Hotel (where George's brother Dudley Kendrick was manager), and one of the founding members of the Amherst Ornamental Tree Association.
- 1917** The U.S. entered WWI. At age 71, George S. Kendrick sold the Kendrick Market and was appointed President of the Amherst Savings Bank.

1925 According to Amherst Savings Bank secretary and trust officer Clara Cook (interviewed in 1973-74), George Kendrick (age 80), conceived of a future park because of his negative reaction to the “disreputable” appearance of the highly visible “point house”—a tenement at the southern end of the “island” between North and East Pleasant Streets near Hallock Street.

Built in 1872-73 by harness and trunk store owner and fireman Charles E. Hutchinson, the small house had not been well maintained by subsequent owners. By 1925, it was overcrowded, being rented out to three separate tenants, and lacked indoor toilet facilities. William Chapin, a Vice-President of the Amherst Savings Bank under George Kendrick, lived four houses north of the “disreputable” tenement (in the Chapin-Smith House). He and one or two other “island” neighbors known to George Kendrick may have discussed the tenement with him.

1930 On March 18th, George Smith Kendrick died at age 85. The provisions of his will stipulated that all assets from his estate not specifically granted to other purposes be held in trust, to be managed by a three-person trust committee of the First National Bank of Amherst. The income and an annual portion of the principal from this trust went to support his sister, Jenny, during her lifetime. Upon Jenny’s death, the remaining trust funds were to be used for unspecified purposes “*subject absolutely to the direction of the Committee [of trustees] hereinafter constituted and described . . .*”

George Kendrick’s trustees later (1964) summarized in writing the verbal instructions he had given them concerning the purpose of the trust established by his will. But he wrote nothing of those intentions in his will, hoping to avoid an increase in land prices in the area. George Kendrick’ trustees were to quietly buy properties as they came on the market, and they started immediately with the “disreputable” point house.

Disposition of “Island” Properties after George Kendrick Died

When George Kendrick died in 1930, there were eleven (11) houses on the “island.” [See attached map and narrative.]

1931 Northampton lawyer Jesse Andre purchased the “disreputable” **Hutchinson House** to hold it for the trustees. He officially transferred the property to the trustees in 1957 following Jenny Kendrick’s death, at which time it was razed.

1937 The **Henry House** was purchased by the trustees and rented until fall 1951. It was demolished in November 1951.

1951 The two **Towne Houses** on the northern tip of the “island” were deeded to the trustees by the Towne family. The houses were rented for a time and then razed in 1962. Parts of the northernmost house—a late 1700’s/early 1800’s cape—were salvaged and donated to Old Deerfield for use in its historic renovations.

- 1957** Jenny Kendrick died December 26, 1957. Her will left the remainder of the trust funds "for such charitable purposes, within the Town of Amherst, as the trustees hereunder, for the time being, may select." The trustees for Jenny's will were the same as the trustees for George's will.
- 1962** The **Palmer House** and **Bosworth Houses** were deeded to the trustees by the Bosworth family. The Palmer House was razed immediately. The **Bosworth House** was rented, then sold in 1979 and moved to 140 Fearing Street.

1964 - Creation of the Kendrick Trust & Clarification of its Purposes

In January 1964, the First National Bank trust officers for George and Jenny Kendrick's wills petitioned the Hampshire District Probate Court to allow the creation of a single joint charitable trust. Combining the two willed trusts into one would simplify execution of the trust, and charitable status would protect the trust properties (and thereby its funds) from taxation. Only one of the original trustees who had known George Kendrick remained. In the trust officers' petition to the probate court, a description of George Kendrick's (and possibly Jenny's) instruction for the trust appears in writing for the first time:

That the trustees in each estate use the trust funds in each estate from time to time to buy up and acquire certain real estate situated in the Town of Amherst and bounded by North Pleasant Street, Triangle Street and East Pleasant Street, *and to tear down and remove the buildings standing thereon* [emphasis added], and to convert the land so acquired into a landscaped park to be known as "Kendrick Park", for the use and benefit of the general public, and to maintain said park for the enhancement and beautification of that area of Amherst, and to erect thereon a suitable marker commemorating its benefactors.

In April 1964, the probate court granted the trustees' petition. The court decree defined the purposes of the new charitable Kendrick Trust and the obligations of its trustees as follows:

(a) of purchasing all parcels of real estate situated within a triangular area in Amherst, Mass., enclosed by North Pleasant Street, Triangle Street and East Pleasant Street, (b) of establishing and maintaining a public park on said real estate to be known as "KENDRICK PARK" for the use and benefit of the general public and for the enhancement of that area of Amherst, and (c) of erecting thereon a suitable marker commemorating its donor, George Smith Kendrick, and his sister Jenny Kendrick.

These purposes for the new Kendrick Trust differed from the will trustees' description of the Kendricks' purposes in an important way. These purposes included no instruction to either "tear down" or to "remove" any of the houses thereafter obtained by the Trust, effectively removing those purposes and obligations. It is reasonable to assume that this reflected the wishes of the trustees to have more flexibility in dealing with property and buildings the Trust acquired.

In the twenty-seven (27) years between the death of George Kendrick and the death of his sister Jenny, the First National Bank trustees for George Kendrick's will acquired four (4) of the "island" houses. But with one exception (the Henry House), the trustees held onto the properties and did not dispose of them until Jenny passed away.

After Jenny's death in 1957, the trustees of the two wills continued to acquire properties and dispose of houses on the "island." In two cases (the Bosworth and Chapin-Smith houses), buildings were sold and moved instead of being torn down, violating the strict letter of the Kendricks' intentions as described by the

trustees' petition in 1964. Some of the houses on the "island" were attractive, historic buildings in good condition. Selling them for a nominal amount so that they could be moved and reused made sense. Tearing them down would be wasteful. In 1964, the First National Bank trustees may have convinced the probate court to leave out the inflexible requirement to "tear down and remove" houses, in order to allow some of the houses to be saved, sold, and reused.

Whatever the case, the absence of this language in the 1964 decree legally voided any requirement by the Kendrick Trust or its successors to tear down or to remove houses from the "island," though they continued to remove the houses from the land, one way or another.

Disposition of "Island" Properties by the Kendrick Trust, 1964 to Present

- 1964** The **Hyde House** was purchased by the Trust and rented until 1972, when it was damaged by flooding from Tan Brook. It was demolished in 1972.
- 1980** The **Chapin-Smith House** was acquired by the Trust, then sold and moved to 183 East Pleasant Street.
- 1986** The **Ayres House** was purchased by the Trust in 1986-87 and demolished in 1990.
- 1992** The Kendrick Trust (by then managed by Fleet Bank, through a series of bank acquisitions) offered nine (9) trust properties and over \$350,000 in trust assets to the Town of Amherst, with the expectation that the Town would complete acquisition of the remaining two occupied properties and thereafter build the park. The 1992 Annual Town Meeting voted to dismiss an article that would have authorized the transfer, partly in response to opposition from a remaining longtime resident of one house.
- 1995** The Kendrick Trust acquired and demolished the old **Fearing House** (Baptist Church parsonage) building, after seeking and obtaining the advice of Town officials, including the Amherst Historical Commission. Unfortunately, the historic Federal house was too badly deteriorated to be moved or salvaged.
- 1999** The Kendrick Trust acquired the **Chapin-Ward House**, the last remaining house on the "island." With it was a small, sturdily-built barn/garage.
- 2000** The Kendrick Trust put the **Chapin-Ward House** out to bid. A local resident submitted a winning bid of \$50,000.
- 2002** Attempts by Fleet Bank to sell and move the **Chapin-Ward House** broke down over the bank's refusal to renegotiate a lower bid price when moving costs for the winning bidder unexpectedly increased.
- 2003** The Amherst Design Review Board (DRB) offered to conduct a public participation process to develop a program of future uses for the park, followed by a public design competition process. The DRB suggested that the remaining house and barn/garage might be of use in a future park, and should remain until a decision could be made as part of the public process.
- 2004** In April, Fleet Bank is acquired by The Bank of America.

A petition article submitted for the 2004 Annual Town Meeting warrant would allow the Town to accept the Kendrick Trust properties as a gift. The original petition article does not authorize the Town to accept other Trust assets (remaining cash), if any, and the petitioner specifically seeks to prevent the Town from acquiring the **Chapin-Ward House**, to prevent it being used for inappropriate purposes in a future park. The petitioner asserts that “the wishes of George Smith Kendrick and Jennie Kendricks, creators of the Trust” must be interpreted to mean that the Trust (or, subsequently, the Town) must remove, if not tear down, the **Chapin-Ward House** and its barn/garage, though the petitioner also asserts that retention of the garage/barn would not violate those wishes.

In May, Town Meeting votes: “authorize the Select Board to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, together with the financial (intangible) assets of the Trust, to create on that land a public park, to be known as Kendrick Park, ‘for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst,’ consonant with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust and that the Town authorize the Select Board to sell or dispose of the structures located thereon upon such terms and conditions as the Select Board may deem reasonable and appropriate.”

2007

The Town seeks bids to purchase and move the **Chapin-Ward House**. Local developer Barry Roberts is the successful bidder, and on November 27 he moves the house and its small barn/garage from Kendrick Park to Gray Street on the former Henry Hills mansion (Boys and Girls Club) property. The work of clearing the “island” for a future Kendrick Park is finally complete.

Summary for Article 37, 2003 Annual Town Meeting

The historical record indicates the following:

- In his will, George S. Kendrick made the purposes of his trust “*subject absolutely to the direction of the Committee [of trustees] hereinafter constituted and described . . .*”
- In 1957, Jenny Kendrick’s will stated that the trust funds were “*for such charitable purposes, within the Town of Amherst, as the trustees hereunder, for the time being, may select.*”
- Prior to 1964, all houses acquired by the trust were demolished and removed.
- In 1964, the trustees of the two Kendrick wills petitioned probate court to create a new, single Kendrick Trust as a charitable entity. In doing so, they for the first time publicly described the purposes of the two trusts, one element of was to “*tear down and remove*” houses on properties acquired. Presumably this instruction by George Kendrick was intended to clear the land of the eleven (11) houses and several outbuildings in place when he knew the area, in anticipation of creating a more open park. The probate court granted the trustees’ 1964 petition, but in doing so the court set out purposes for the new Kendrick Trust that conspicuously lacked any requirement to either tear down or to remove any house on a property acquired by the trust. This could be interpreted as reflecting a desire on the part of the Kendricks’ trustees to have more flexibility in dealing with properties it acquired.
- Twice (in 1979 and 1980) since the 1964 probate court created a unified Kendrick Trust, the Trust acquired properties and then sold the houses and had them moved away, rather than having them demolished. Both houses were moved near downtown Amherst and reused as residences.
- The two houses that were previously sold, moved, and reused share interesting architectural, construction, and historical characteristics with the **Chapin-Ward House** that remains. The **Bosworth House** (moved 1979) was built and lived in by George and Edwin Bosworth, a father-son team of local building contractors. The **Chapin-Smith House** (moved 1980) was the first house designed by prominent local architect Roswell Field Putnam and built by the Bosworths for William T. Chapin, a Vice-President of the Amherst Savings Bank at the time George Kendrick was its President. The remaining **Chapin-Ward House** was the second house in the area designed by Roswell Field Putnam and constructed by the Bosworths for William T. Chapin.

The historical evidence does not support a specific interpretation of the Kendricks’ “wishes” or design intentions for a final landscaped park, or how such intentions should apply to the remaining **Chapin-Ward House**. All that can be stated for certain is that George Kendrick wanted his will’s trustees to acquire land and begin removing houses in order to make way for a park; understanding that a 3+ acre town center park should not be covered with residential houses and outbuildings. Because the Kendricks’ park design intentions—if any—are unknown, there is also no way to assess whether those intentions would produce a useful 21st century public park in Amherst. George Kendrick was born 159 years ago. His trust has been pursuing completion of this park for 74 years.

During George and Jenny Kendrick’s lifetimes, many local landscaped parks featured buildings serving active park purposes; others consisted solely of greenspace and ornamental gardens. George and Jenny Kendrick clearly turned the completion of their park “wishes” over to trustees. In 1964, those trustees involved the probate court, which—doubtless in consultation with those trustees—created the purposes of the current Kendrick Trust. In the end, the best ways for Amherst to honor the Kendricks’ wishes may be to ensure that a successful Kendrick Park is created, to remember its history, and to be grateful.